

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Huang	Team: Squad #10	CCRB Case #: 202300421	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/04/2023 11:00 AM, Wednesday, 01/04/2023 1:00 PM	Location of Incident: § 87(2)(b) Medical Center	18 Mo. SOL 7/4/2024	Precinct: 120		
Date/Time CV Reported Wed, 01/04/2023 12:11 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/16/2023 12:22 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Matthew Panik	06368	961064	120 PCT
2. PO Michael Meyerson	04186	956931	120 PCT
3. Officers			120 PCT
4. SGT Michael Simone	00710	948136	120 PCT
5. PO Brandon Schneider	26859	967328	120 PCT
6. PO Andrew Collette	29827	967012	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Jeffrey Mills	15526	956934	120 PCT
2. PO David Mohlenhoff	10382	956105	120 PCT
3. PO Vincent McLaughlin	04409	959809	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Matthew Panik	Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik pointed his gun at § 87(2)(b)	§ 87(2)(b)
B . PO Matthew Panik	Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik used physical force against § 87(2)(b)	§ 87(2)(b)
C . PO Michael Meyerson	Force: At § 87(2)(b) in Staten Island, Police Officer Michael Meyerson used physical force against § 87(2)(b)	§ 87(2)(b)
D . PO Matthew Panik	Discourtesy: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E . PO Matthew Panik	Abuse: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
F . PO Brandon Schneider	Force: At § 87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against § 87(2)(b)	§ 87(2)(b)
G . PO Andrew Collette	Force: At § 87(2)(b) in Staten Island, Police Officer Andrew Collette used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H . PO Matthew Panik	Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik used physical force against § 87(2)(b)	
I . PO Matthew Panik	Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik used a chokehold against § 87(2)(b)	
J . PO Matthew Panik	Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik restricted § 87(2)(b) breathing.	
K . PO Matthew Panik	Discourtesy: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik spoke discourteously to § 87(2)(b)	
L . SGT Michael Simone	Abuse: At § 87(2)(b) in Staten Island, Sergeant Michael Simone forcibly removed § 87(2)(b) to the hospital.	
M . PO Brandon Schneider	Force: At § 87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against § 87(2)(b)	
N . PO Andrew Collette	Force: At § 87(2)(b) in Staten Island, Police Officer Andrew Collette used physical force against § 87(2)(b)	
O . PO Brandon Schneider	Force: At § 87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against § 87(2)(b)	
P . Officers	Abuse: At § 87(2)(b) in Staten Island, Officers refused to provide their shield number to § 87(2)(b)	
Q . Officers	Abuse: At § 87(2)(b) in Staten Island, Officers refused to provide their name to § 87(2)(b)	
R . PO Brandon Schneider	Abuse: At § 87(2)(b) Medical Center in Staten Island, Police Officer Brandon Schneider threatened to arrest § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On January 4, 2023, § 87(2)(b) filed this complaint on behalf of herself, her son § 87(2)(b) and his wife, § 87(2)(b) with IAB by phone, generating IAB log #§ 87(2)(b). It was received at the CCRB on January 16, 2023. On January 4, 2024, the investigation received confirmation from the Department Advocate's Office (DAO) that no officers had been interviewed by the NYPD in regard to this case, and officers were scheduled to begin interviews on January 29, 2024. However, when PO Brandon Schneider and PO Michael Meyerson appeared at the CCRB, they informed the investigation that they had been interviewed by the NYPD and requested to listen to the recordings. As such, they were released. The next day, DAO confirmed that they did have the recordings, and officers were rescheduled. The case was further delayed by ongoing scheduling issues with PO Matthew Panik, who had been consistently RDO Monday through Friday. After obtaining scheduling assistance from Director Chris Denitto, PO Panik was successfully interviewed on March 29, 2024.

On January 4, 2023, at approximately 11:00AM, Police Officers Michael Meyerson, Matthew Panik, Andrew Collette, and Brandon Schneider, all of the 120th Precinct (PO Panik has since been transferred to the First Deputy Commissioner's Office; PO Collette has since been transferred to the Warrant Section), responded to a 911 call regarding an individual brandishing a sword at § 87(2)(b) in Staten Island. Upon arrival, PO Panik and PO Meyerson observed § 87(2)(b) holding a sword. PO Panik pointed his gun at § 87(2)(b) (**Allegation A: Force – Gun Pointed**, § 87(2)(g)). PO Panik and PO Meyerson took § 87(2)(b) to the ground (**Allegations B and C: Force – Physical Force**, § 87(2)(g)). PO Panik used profanity toward § 87(2)(b) (**Allegation D: Discourtesy – Word**, § 87(2)(g)) and threatened to Tase him (**Allegation E: Abuse of Authority – Threat of Force**, § 87(2)(g)). PO Collette and PO Schneider assisted in handcuffing § 87(2)(b) (**Allegations F and G: Force – Physical Force**, § 87(2)(g)). PO Panik utilized hand strikes to § 87(2)(b) body and face (**Allegation H: Force – Physical Force**, § 87(2)(g)). PO Panik allegedly used a chokehold and restricted § 87(2)(b) breathing (**Allegation I: Force – Chokehold**, § 87(2)(g)). **Allegation J: Force – Restricted Breathing**, § 87(2)(g)). PO Panik spoke discourteously to § 87(2)(b) (**Allegation K: Discourtesy – Word**, § 87(2)(g)). Sgt. Michael Simone, also of the 120th Precinct, oversaw § 87(2)(b) removal to the hospital (**Allegation L: Abuse of Authority – Forcible Removal to the Hospital**, § 87(2)(g)). PO Schneider and PO Collette lifted and escorted § 87(2)(b) to the ambulance (**Allegations M and N: Force – Physical Force**, § 87(2)(g)). PO Schneider pushed § 87(2)(b) (**Allegation O: Force – Physical Force**, § 87(2)(g)). Officers allegedly refused to provide their shield numbers and names to § 87(2)(b) (**Allegation P: Abuse of Authority – Refusal to Provide Shield Number**, § 87(2)(g)). **Allegation Q: Abuse of Authority – Refusal to Provide Name**, § 87(2)(g)).

That same day, at the § 87(2)(b) Medical Center in Staten Island, at approximately 1PM, PO Schneider threatened to arrest § 87(2)(b) (**Allegation R: Abuse of Authority – Threat of Arrest**, § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

§ 87(2)(b) was arrested for resisting arrest, obstruction of governmental administration, disorderly conduct, and violation of local law misdemeanor (**BR 01**).

The CCRB received BWC footage from the NYPD (**BR 46, 47**) and cell phone footage from § 87(2)(b) (**BR 48**), the relevant portions of which will be discussed below.

Findings and Recommendations

Allegation (A) Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik pointed his gun at § 87(2)(b)

§ 87(2)(b) (BR 07) stated that he had been practicing martial arts with his sword in the front lawn of his mother, § 87(2)(b)'s, house for about three hours when PO Panik and PO Meyerson arrived at the location. As they approached, § 87(2)(b) sheathed his sword, sat down on the ground, and moved the sword so that it was outside of his immediate reach to avoid antagonizing the officers. PO Panik drew and pointed his gun at him. § 87(2)(b) raised his hands in response.

§ 87(2)(b) and § 87(2)(b) (BR 08, 09) did not witness this portion of the incident.

BWC footage from PO Panik (BR 02) shows that approximately 00:57, PO Panik exits his vehicle, points his gun at § 87(2)(b) and turns on his BWC. PO Panik tells § 87(2)(b) "Drop that [sword] now." § 87(2)(b) drops the unsheathed sword, and sits on the ground. At 01:07, PO Panik tells § 87(2)(b) multiple times to walk away from the sword. At 01:12, § 87(2)(b) backs away from the sword on the ground but remains seated. At 01:16, PO Panik holsters his gun, takes the sword, and drops it to his left, further away from § 87(2)(b).

PO Panik (BR 10) stated that he was responding to a 911 call regarding an individual swinging a sword but did not receive any additional details about the incident. Upon arrival, PO Panik observed § 87(2)(b) with a sword in his hands while standing in a front lawn. There was a fence in front of the lawn that only partially enclosed the space, and anyone could walk onto the lawn. In addition, there was an elementary school across the street, though PO Panik could not see if there was anyone outside and was focused on § 87(2)(b). PO Panik pointed his gun at § 87(2)(b) for safety reasons, as he was holding a sword and PO Panik wanted to make sure he and his partner were safe. While walking toward him, PO Panik told him to drop the sword, and § 87(2)(b) complied. § 87(2)(b) then sat down next to the sword. PO Panik ordered § 87(2)(b) to move away from the sword so that he could not pick it back up. § 87(2)(b) complied and moved back a short distance where PO Panik was satisfied that he would not pick up the sword again. PO Panik holstered his gun and walked up to § 87(2)(b) before tossing the sword further away.

Per the initial 911 call (BR 32) and the EVENT (BR 33), a shirtless Black male, approximately 5'11" tall and 175 pounds was reported to be waving a samurai sword in a backyard near a school. No injuries were reported.

The supervisory TRI report regarding the incident (BR 36) notes that officers responded to a report of an individual swinging a sword. Upon arrival, officers saw § 87(2)(b) swinging a large "Samurai" style sword. The officers gave verbal commands at gunpoint for him to drop the weapon, which he did.

Patrol Guide procedure 221-01 (BR 11) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or public from imminent serious physical injury or death. Drawing a firearm prematurely or unnecessarily limits a uniformed member of the service's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present.

It was undisputed that § 87(2)(b) was using his sword in the yard of his mother's home, which was near a school, and that PO Panik pointed his firearm at him upon approach. Although § 87(2)(b) dropped the sword when he saw officers, sat on the ground, raised his hands, and

moved back from the sword, it was still generally within his reach as PO Panik approached. § 87(2)(g)

Allegation (B) Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik used physical force against § 87(2)(b)

Allegation (C) Force: At § 87(2)(b) in Staten Island, Police Officer Michael Meyerson used physical force against § 87(2)(b)

Allegation (D) Discourtesy: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik spoke discourteously to § 87(2)(b)

Allegation (E) Abuse of Authority: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik threatened § 87(2)(b) with the use of force.

Allegation (F) Force: At § 87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against § 87(2)(b)

Allegation (G) Force: At § 87(2)(b) in Staten Island, Police Officer Andrew Collette used physical force against § 87(2)(b)

Allegation (H) Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik used physical force against § 87(2)(b)

Allegation (I) Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik used a chokehold against § 87(2)(b)

Allegation (J) Force: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik restricted § 87(2)(b) breathing.

§ 87(2)(b) (BR 07) stated that after he dropped the sword and sat down on the ground, officers wrestled with him until he was “off-balance.” § 87(2)(b) felt three or four punches to the back of his head before losing consciousness. § 87(2)(b) did not have a coherent memory of the incident after the strikes to the head. § 87(2)(b) sustained a black eye with a ruptured blood vessel. The bridge of § 87(2)(b) nose was fractured, and his septum was lacerated. He also sustained a laceration on the inside of his upper lip. § 87(2)(b) did not note any use of profanity, nor did he mention that officers restricted his breathing or applied pressure to his windpipe.

§ 87(2)(b) (BR 09) stated that she heard § 87(2)(b) scream out that officers were harassing him and that he needed help. When she looked out the window, approximately six officers were on top of § 87(2)(b). His sword was off to the side. § 87(2)(b) notified § 87(2)(b) and they both went outside, where she saw one officer punch § 87(2)(b) several times in the nose, eye, and mouth, while another officer punched him in the back of the head. § 87(2)(b) was bleeding profusely from the mouth and sustained a black eye. After punching him, the officers wrestled § 87(2)(b) face-down into the mud and placed him in handcuffs.

§ 87(2)(b) (BR 08) stated that upon coming outside, she saw approximately six officers “on top” of § 87(2)(b) but § 87(2)(b) was unable to elaborate on what she meant by this action. PO Panik and another officer then punched § 87(2)(b) several times in the back of the head. Immediately afterwards, PO Panik and the other officers placed § 87(2)(b) into handcuffs.

BWC footage from PO Panik (BR 02) shows that at approximately 01:24, PO Panik and PO Meyerson grab § 87(2)(b) arms while telling him to put his hands behind his back. At 01:29, PO Panik repeatedly says, “put your fucking hands behind your back” and “stop resisting.” PO Panik also punches § 87(2)(b) back once. § 87(2)(b) does not comply with officers’ commands and keeps his arms close to his chest. At 01:51, PO Panik says, “I’m going to fucking Tase you.” At 02:02, PO Panik punches § 87(2)(b) in his upper chest once and says, “Put your hands behind your fucking back!” § 87(2)(b) continues to resist by keeping his wrists in front of him and squirming around. At 02:27, PO Panik tells § 87(2)(b) “Put your fucking hands behind

your fucking back.” At 02:30, PO Panik punches § 87(2)(b) in the face. At 2:33 and 2:37, PO Panik’s hand makes contact with the front of § 87(2)(b) neck. Screenshots capture this contact (**BR 34, 35**). Each time PO Panik makes contact with § 87(2)(b) neck, his head moves in response to the pressure; at 2:33, § 87(2)(b) head moves backward as PO Panik pushed downward, and, at 2:37, § 87(2)(b) head moves to the right as PO Panik applies forward pressure to the left side of his neck. While PO Collette and PO Schneider are grabbing and holding onto § 87(2)(b) arms, PO Panik punches § 87(2)(b) two to three more times in the face. PO Panik’s BWC falls to the ground as officers handcuff § 87(2)(b).

BWC footage from PO Meyerson, PO Collette and PO Schneider is consistent with BWC footage from PO Panik (**BR 03 - 05**).

PO Panik (**BR 02**) stated that he and PO Meyerson attempted to handcuff § 87(2)(b) for safety reasons, as he may have had additional weapons on him, and because they wanted to ask him what was going on. § 87(2)(b) refused to give his hands and tensed his whole body, with his arms drawn toward his front. PO Panik told § 87(2)(b) multiple times, using profanity, to put his hands behind his back, but § 87(2)(b) did not comply and kept screaming. PO Panik used profanity because § 87(2)(b) who seemed extraordinarily strong, was non-compliant and, given the presence of a weapon, the situation was dangerous and stressful. PO Panik threatened to Tase § 87(2)(b) also while using profanity, for compliance purposes, as § 87(2)(b) was still tensing his body and refusing commands to put his hands behind his back. When § 87(2)(b) continued to resist, PO Panik performed hand strikes to his back and the front of his body to ensure compliance. When § 87(2)(b) continued to resist, PO Panik escalated and struck the left side of § 87(2)(b) face multiple times to gain compliance. By this point, PO Collette and PO Schneider arrived to assist. All four officers turned § 87(2)(b) onto his stomach and successfully handcuffed him. PO Panik denied applying pressure to § 87(2)(b) neck, did not restrict his breathing, and did not hear § 87(2)(b) complain of difficulty breathing or pain to his neck.

PO Meyerson’s statement (**BR 14**) was generally consistent with that of PO Panik with the following exceptions noted. PO Meyerson tried to pull § 87(2)(b) hands behind his back but § 87(2)(b) resisted. PO Meyerson did not recall exactly what PO Panik did physically. Multiple officers arrived to assist them, but PO Meyerson did not remember who they were or what actions they took. PO Meyerson did not notice whether § 87(2)(b) sustained any injuries.

PO Collette’s (**BR 12**) and PO Schneider’s statements (**BR 13**) were generally consistent with those of PO Panik and PO Meyerson, with the following exceptions noted. When they arrived, PO Panik and PO Meyerson were attempting to handcuff § 87(2)(b). PO Collette and PO Schneider assisted PO Panik and PO Meyerson by grabbing § 87(2)(b) arms to place them behind § 87(2)(b) back.

According to § 87(2)(b) medical records from § 87(2)(b) Medical Center (**BR 06**), § 87(2)(b) had “minimal soft tissue swelling...along the left nasal bone” and a “mild irregularity of the left nasal bone is likely due to fracture.” However, the report goes on to say that there was no fracture or dislocation detected.

The Medical Treatment of Prison Report (**BR 42**) only notes that § 87(2)(b) was removed to the hospital for a psychiatric evaluation. It does not note any injuries.

The supervisory TRI report regarding the incident (**BR 36**) notes in the narrative section that after § 87(2)(b) dropped his sword, officers attempted to gain control of § 87(2)(b) who was acting in an “irrational manner.” § 87(2)(b) resisted being handcuffed by pulling away from officers and flailing his arms. A “struggle ensued involving active resistance against officers. PO Panik did then strike the male § 87(2)(b) in the face with a closed fist to gain compliance.” Officers then handcuffed him. The type of incident notes active resistance towards MOS, force by MOS, and force against MOS. The force used by officers is noted as hand strikes, forcible takedown, and wrestling/grappling.

The TRI report for PO Panik (**BR 37**) notes that he used a forcible takedown and hand strikes to overcome resistance or aggression and in defense of self.

It was undisputed that PO Panik made contact with the front and side of § 87(2)(b) neck. Although PO Panik denied applying any pressure to the front or side of his neck, clear BWC shows that § 87(2)(b) head moved in response to pressure PO Panik applied each time he made contact with the front and side of § 87(2)(b) neck. § 87(2)(g)

Allegation (K) Discourtesy: At § 87(2)(b) in Staten Island, Police Officer Matthew Panik spoke discourteously to § 87(2)(b)

BWC footage from PO Panik (BR 02) showed that at approximately 02:54, immediately after PO Panik and other officers handcuffed § 87(2)(b) asks, “What is going on?” PO Panik tells her, “He was swinging around a fucking sword.”

PO Panik (BR 10) stated that he made the abovementioned statement immediately after placing § 87(2)(b) in handcuffs. PO Panik wanted to make § 87(2)(b) aware of what was going on, especially since § 87(2)(b) was under the impression that the officers were there without provocation and that the officers were arresting § 87(2)(b) for no reason. PO Panik also asserted that he was coming off a tense situation. PO Panik did not intend to be disrespectful to § 87(2)(b) in any way with his use of profanity.

NYPD’s disciplinary decisions “have consistently held that when a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situation, the police officer’s verbal slip does not rise to the level of actionable misconduct.” DAO-DCT Case #2018-18951 (BR 15).

DAO-DCT Case #2015-15012 (BR 16) states that officers may use limited profanity towards civilians to gain control of a dynamic situation.

Patrol Guide procedure 200-02 (BR 17) states that officers are expected to maintain a higher standard of integrity than is generally expected of others.

At the time PO Panik told § 87(2)(b) “He was swinging around a fucking sword,” officers had just handcuffed § 87(2)(b) and PO Panik was only just standing up from the struggle to restrain him. § 87(2)(g)

Allegation (L) Abuse of Authority: At § 87(2)(b) in Staten Island, Sergeant Michael Simone forcibly removed § 87(2)(b) to the hospital.

Allegation (M) Force: At § 87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against § 87(2)(b)

Allegation (N) Force: At § 87(2)(b) in Staten Island, Police Officer Andrew Collette used physical force against § 87(2)(b)

Allegation (O) Force: At § 87(2)(b) in Staten Island, Police Officer Brandon Schneider used physical force against § 87(2)(b)

Allegation (P) Abuse of Authority: At § 87(2)(b) in Staten Island, officers refused to provide their shield numbers to § 87(2)(b)

Allegation (Q) Abuse of Authority: At § 87(2)(b) in Staten Island, officers refused to provide their names to § 87(2)(b)

It was undisputed that § 87(2)(b) was removed to the § 87(2)(b) Medical Center.

§ 87(2)(b) (BR 07) did not remember what happened for much of the incident and that his first coherent memory after being punched was when he was already at the hospital.

§ 87(2)(b) (BR 09) stated that officers called for an ambulance after placing § 87(2)(b) into handcuffs. § 87(2)(b) refused to answer any of the EMTs' questions because he was screaming and not conscious of what was going on. § 87(2)(b) screamed while he was on the ground that he was not "okay" with medical attention and that he did not need it. Officers stated that he had to go to the hospital because they had injured him, but he continued to refuse. Officers ignored his wishes and forced him to do go to the hospital. § 87(2)(b) did not ever mention anyone asking officers for their names or badge numbers.

§ 87(2)(b) statement (BR 08) was generally consistent with § 87(2)(b) with the following exceptions noted. While § 87(2)(b) was being loaded into the ambulance, § 87(2)(b) asked aloud for officers to provide their names and badge numbers, but only PO Panik provided his name to her.

BWC footage from PO Panik (BR 02) shows that at approximately 22:46, PO Panik walks over to § 87(2)(b) and the other officers. An EMT asks § 87(2)(b) if he wants to go to the hospital and § 87(2)(b) refuses. The EMT asks § 87(2)(b) to answer their questions in response. At 23:14, § 87(2)(b) explains what happened to the EMT. The EMT again asks § 87(2)(b) to answer her questions, but § 87(2)(b) again refuses until his handcuffs are removed. At 23:36, the EMT asks if he has any psych issues, but § 87(2)(b) does not answer the question and continues to speak about the officers' actions. At 24:30, the EMT asks again for § 87(2)(b) to answer a few questions but § 87(2)(b) refuses to answer any questions until his handcuffs are off. The EMT then tells § 87(2)(b) that he needs to go to the hospital, at which point PO Schneider and PO Collette lift § 87(2)(b) into a standing position. § 87(2)(b) who is standing over § 87(2)(b) bends toward him, and PO Schneider pushes her slightly back (This is captured more clearly in PO Schneider's BWC (BR 05) at 23:19). PO Schneider and PO Collette then escort § 87(2)(b) to the ambulance.

BWC footage from PO Panik, PO Meyerson, PO Collette, and PO Schneider (BR 02 – 05) is consistent with that of PO Panik. § 87(2)(b) does not ever request names or shield numbers.

PO Panik, PO Meyerson, PO Collette, and PO Schneider (BR 10, 12 – 14) all denied hearing § 87(2)(b) ask them for their names and/or shield numbers.

Patrol Guide procedure 216-01 (BR 45) states that uniformed member of the service shall cooperate with ambulance/hospital personnel in every reasonable manner.

Patrol Guide procedure 221-01 (BR 11) states that "force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2) Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject's violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence. Additionally, "MOS will use only the reasonable force necessary to gain control or custody of a subject," and are prohibited from using "any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault.

Comprehensive BWC footage confirms that EMS made the determination to remove § 87(2)(b) to the hospital. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (R) Abuse of Authority: At § 87(2)(b) Medical Center in Staten Island, Police Officer Brandon Schneider threatened to arrest § 87(2)(b)

§ 87(2)(b) (BR 09) stated that she visited § 87(2)(b) Medical Center to follow up on § 87(2)(b) condition. Upon arrival at the hospital's "triage room," § 87(2)(b) encountered PO Schneider, who threatened to arrest her if she entered any part of the hospital. PO Schneider stated that this applied "anywhere" in the hospital including the triage, ER, and front desk.

BWC footage from PO Schneider (BR 19) shows that at approximately 02:23, PO Schneider tells § 87(2)(b) who is standing in a restricted area of the hospital, that he and PO Collette had told her fifteen times that she could not go inside the hospital while § 87(2)(b) is in police custody. PO Schneider explained that § 87(2)(b) was initially not under arrest when he got to the hospital, but PO Schneider's superiors changed that designation upon reviewing BWC footage. At 03:09, PO Schneider tells her that if she comes inside, from the front of the hospital or via the ambulance bay, she will be placed under arrest.

PO Schneider (BR 13) stated that § 87(2)(b) was arrested at the end of the incident, and that he escorted/stayed with § 87(2)(b) at the hospital until he was relieved. During PO Schneider's time at the hospital, § 87(2)(b) kept coming into the ambulance bay to check on § 87(2)(b) but hospital security told her multiple times to leave. PO Schneider told her that security had already indicated that she could not be in the ambulance bay, and that she could be arrested for trespassing if she did not leave. PO Schneider told § 87(2)(b) that she could be arrested only once. § 87(2)(b) appeared upset but calm during the conversation. § 87(2)(b) willingly left the hospital after their conversation and was not arrested.

New York Penal Law section 140.05 (BR 20) states that a person is guilty of trespassing when he knowingly enters or remains unlawfully in or upon premises. Trespass is a violation.

Visitation policy at the § 87(2)(b) Medical Center (BR 21) states that visitors are to limit waiting in hospital common areas.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 23).
- § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- PO Collette has been a member of service for five years and this is the first CCRB complaint to which he has been a subject.
- PO Schneider has been a member of service for five years and this is the first complaint to which he has been a subject.
- PO Meyerson has been a member of service for nine years and has been a subject in four CCRB complaints and eight allegations:
 - Case #202208668 involved two substantiated allegations of an entry and failure to provide an RTKA card. The Board recommended Command Discipline A, and the NYPD imposed no penalty. § 87(2)(g) [REDACTED]
- PO Panik has been a member of service for eight years and has been a subject in six CCRB complaints and fourteen allegations, of which three have been substantiated:
 - Case #202207139 involved a substantiated allegation of a threat of removal to the hospital. The Board recommended Command Discipline B and the NYPD imposed no penalty.
 - Case #202208668 involved substantiated allegations of an entry and search of person. The Board recommended Command Discipline A and the NYPD imposed no penalty. § 87(2)(g) [REDACTED]
- Sgt. Simone has been a member of service for 15 years and has been a subject in two CCRB complaints and four allegations, none of which have been substantiated:

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On April 3, 2024, a FOIL request was submitted to the Office of the Comptroller. Results will be attached upon receipt (BR 28).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 10

Investigator:	Justin Huang	Investigator Huang	04/03/2024
	Signature	Print Title & Name	Date

Squad Leader:	Maura R. Roche	IM Maura R. Roche	04/04/2024
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date